



# House of Representatives

General Assembly

**File No. 541**

February Session, 2006

Substitute House Bill No. 5686

*House of Representatives, April 18, 2006*

The Committee on Appropriations reported through REP. MERRILL of the 54th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING WATER RESOURCE PLANNING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-86a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) On or before October 1, 1990, the Commissioner of Consumer  
4 Protection, in consultation with the Secretary of the Office of Policy  
5 and Management, the chairperson of the Public Utilities Control  
6 Authority, the State Building Inspector and the Commissioners of  
7 Public Health and Environmental Protection, shall adopt regulations in  
8 accordance with the provisions of chapter 54 establishing minimum  
9 efficiency standards for plumbing fixtures [and other water-using  
10 devices, as appropriate] and automatic lawn sprinkler systems in  
11 accordance with subsection (b) of this section.

12 (b) The maximum water use allowed [in the regulations adopted  
13 under subsection (a) of this section] for showerheads, urinals, faucets  
14 and replacement aerators manufactured or sold on or after October 1,  
15 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for

16 urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen  
17 faucets and replacement aerators, 2.5 gallons per minute, except that  
18 lavatories in restrooms of public facilities shall be equipped with outlet  
19 devices which limit the flow rate to a maximum of 0.5 gallons per  
20 minute. The maximum water use allowed [in the regulations adopted  
21 under subsection (a) of this section] for tank-type toilets, flushometer-  
22 valve toilets, flushometer-tank toilets and electromechanical hydraulic  
23 toilets manufactured or sold on or after January 1, 1992, shall be 1.6  
24 gallons per flush, unless and until equivalent standards for similar  
25 types of toilets are adopted by the American National Standards  
26 Institute, Inc. Automatic lawn sprinkler systems that are installed on or  
27 after October 1, 2006, shall be equipped with a rain sensor device or  
28 switch that will automatically override the irrigation cycle of such  
29 sprinkler system when adequate rainfall has occurred.

30 (c) Notwithstanding the provisions of subsection (b) of this section,  
31 the Commissioner of Consumer Protection, after consultation with the  
32 Secretary of the Office of Policy and Management, the chairperson of  
33 the Public Utilities Control Authority, the State Building Inspector and  
34 the Commissioners of Public Health and Environmental Protection,  
35 may increase the level of efficiency for plumbing fixtures upon  
36 determination that such increase would promote the conservation of  
37 water and energy and be cost-effective for consumers who purchase  
38 and use such fixtures. Any increased efficiency standard shall be  
39 effective one year after its adoption.

40 (d) The Commissioner of Consumer Protection, in consultation with  
41 the Secretary of the Office of Policy and Management, the chairperson  
42 of the Public Utilities Control Authority, the State Building Inspector  
43 and the Commissioners of Public Health and Environmental  
44 Protection, shall adopt regulations in accordance with the provisions of  
45 chapter 54 necessary to implement the provisions of sections 21a-86 to  
46 21a-86g, inclusive. Such regulations shall provide for (1) the sale of  
47 plumbing fixtures which do not meet the standards if the  
48 commissioner determines that compliance is not feasible or an  
49 unnecessary hardship exists, and (2) the sale of plumbing fixtures,

50 including, but not limited to, antique reproduction plumbing fixtures,  
51 which do not meet the standards, provided such plumbing fixtures  
52 were in stock in a store located in the state before October 1, 1990, if a  
53 showerhead, urinal, faucet or replacement aerator or before January 1,  
54 1992, if a tank-type toilet, flushometer-valve toilet, flushometer-tank  
55 toilet or electromechanical hydraulic toilet.

56 Sec. 2. Section 21a-86b of the general statutes is repealed and the  
57 following is substituted in lieu thereof (*Effective October 1, 2006*):

58 No person may sell, offer for sale or install any new showerhead,  
59 urinal, faucet or replacement aerator on and after October 1, 1990, [or]  
60 any new tank-type toilet, flushometer-valve toilet, flushometer-tank  
61 toilet or electromechanical hydraulic toilet on and after January 1,  
62 1992, or any new automatic lawn sprinkler system on and after  
63 October 1, 2006, unless such showerhead, urinal, faucet, replacement  
64 aerator, tank-type toilet, flushometer-valve toilet, flushometer-tank  
65 toilet, [or] electromechanical hydraulic toilet or automatic lawn  
66 sprinkler system meets or exceeds the efficiency standards set forth in  
67 regulations adopted by the Commissioner of Consumer Protection  
68 pursuant to subsection (a) of section 21a-86a, as amended by this act,  
69 or is authorized under the regulations adopted by the commissioner  
70 pursuant to subsection (d) of said section 21a-86a.

71 Sec. 3. Section 25-33o of the general statutes is repealed and the  
72 following is substituted in lieu thereof (*Effective October 1, 2006*):

73 (a) The chairperson of the Public Utility Control Authority, or the  
74 chairperson's designee, the Commissioner of Environmental  
75 Protection, or the commissioner's designee, the Secretary of the Office  
76 of Policy and Management, or the secretary's designee, and the  
77 Commissioner of Public Health, or the commissioner's designee, shall  
78 constitute a Water Planning Council to address issues involving the  
79 water companies, water resources and state policies regarding the  
80 future of the state's drinking water supply. [The chairperson of the  
81 Public Utility Control Authority shall convene the first meeting of the  
82 council.] On or after July 1, 2006, and each year thereafter, the

83 chairperson of the Water Planning Council shall be elected by the  
84 members of the Water Planning Council.

85 (b) The Water Planning Council shall conduct a study, in  
86 consultation with representatives of water companies, municipalities,  
87 agricultural groups, environmental groups and other water users, that  
88 shall include the following issues: (1) The financial viability, market  
89 structure, reliability of customer service and managerial competence of  
90 water companies; (2) fair and reasonable water rates; (3) protection and  
91 appropriate allocation of the state's water resources while providing  
92 for public water supply needs; (4) the adequacy and quality of the  
93 state's drinking water supplies to meet current and future needs; (5) an  
94 inventory of land and land use by water companies; (6) the status of  
95 current withdrawals, projected withdrawals, river flows and the future  
96 needs of water users; (7) methods for measurement and estimations of  
97 natural flows in Connecticut waterways in order to determine  
98 standards for stream flows that will protect the ecology of the state's  
99 rivers and streams; (8) the status of river flows and available data for  
100 measuring river flows; (9) the streamlining of the water diversion  
101 permit process; (10) coordination between the Departments of  
102 Environmental Protection, Public Health and Public Utility Control in  
103 review of applications for water diversion; and (11) the procedure for  
104 coordination of planning of public water supply systems established in  
105 sections 25-33c to 25-33j, inclusive. Such study shall be conducted on  
106 both a regional and state-wide level.

107 (c) The council may establish an advisory group that shall serve at  
108 the pleasure of the council. The advisory group shall be balanced  
109 between consumptive and nonconsumptive interests. The advisory  
110 group may include representatives of (1) regional and municipal water  
111 utilities, (2) investor-owned water utilities, (3) a wastewater system, (4)  
112 agricultural interests, (5) electric power generation interests, (6)  
113 business and industry interests, (7) environmental land protection  
114 interests, (8) environmental river protection interests, (9) boating  
115 interests, (10) fisheries interests, (11) recreational interests, (12)  
116 endangered species protection interests, and (13) members of academia

117 with expertise in stream flow, public health and ecology.

118 [(c)] (d) The council shall, not later than January 1, 2002, and  
119 annually thereafter, report its preliminary findings and any proposed  
120 legislative changes to the joint standing committees of the General  
121 Assembly having cognizance of matters relating to public health, the  
122 environment and public utilities in accordance with section 11-4a,  
123 except that not later than February 1, 2004, the council shall report its  
124 recommendations in accordance with this subsection with regard to (1)  
125 a water allocation plan based on water budgets for each watershed, (2)  
126 funding for water budget planning, giving priority to the most highly  
127 stressed watersheds, and (3) the feasibility of merging the data  
128 collection and regulatory functions of the Department of  
129 Environmental Protection's inland water resources program and the  
130 Department of Public Health's water supplies section.

131 Sec. 4. (NEW) (*Effective October 1, 2006*) (a) There is established a  
132 Bureau of Water Resource Planning within the Office of Policy and  
133 Management. The bureau shall perform the following functions:

134 (1) Review and prioritize the recommendations and the goals of the  
135 Water Planning Council developed prior to October 1, 2006;

136 (2) Compile information from other reports or studies regarding  
137 water resources planning in the state;

138 (3) Establish a mechanism to perform an in-depth analysis of  
139 existing statutes and regulations of the Department of Environmental  
140 Protection, the Department of Public Health and the Department of  
141 Public Utility Control for areas of overlapping and conflicting or  
142 inefficient procedures;

143 (4) Review and summarize other states' regulatory programs and  
144 structures, relating to water resource planning, including, but not  
145 limited to, their approaches to water allocation;

146 (5) Identify processes and funding needs for the evaluation of  
147 existing water diversion data and approaches to basin planning

148 projects and coordinate water data collection from, and analysis  
 149 among, the Department of Environmental Protection, the Department  
 150 of Public Health, the Department of Public Utility Control, the Office  
 151 of Policy and Management and the United States Geological Survey,  
 152 and recommend supplemental data collection, as appropriate;

153 (6) Evaluate existing water conservation programs and make  
 154 recommendations to enhance water conservation programs to promote  
 155 a water conservation ethic and to provide for appropriate drought  
 156 response and enforcement capabilities; and

157 (7) Identify funding requirements and mechanisms for ongoing  
 158 efforts in water resources planning in the state.

159 (b) Not later than April 1, 2007, and annually thereafter, the bureau  
 160 shall submit a report, in accordance with the provisions of section 11-  
 161 4a of the general statutes, on its progress toward accomplishing its  
 162 duties in accordance with this section, along with any recommended  
 163 legislative revisions, to the joint standing committees of the General  
 164 Assembly having cognizance of matters relating to the environment,  
 165 public utilities and public health.

166 Sec. 5. Section 29-265b of the general statutes is repealed. (*Effective*  
 167 *October 1, 2006*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	21a-86a
Sec. 2	<i>October 1, 2006</i>	21a-86b
Sec. 3	<i>October 1, 2006</i>	25-33o
Sec. 4	<i>October 1, 2006</i>	New section
Sec. 5	<i>October 1, 2006</i>	Repealer section

**ET** Joint Favorable Subst. C/R

APP

**APP** Joint Favorable

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Policy & Mgmt., Off.	GF - Cost	See Below	See Below
Consumer Protection, Dept.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill establishes a Bureau of Water Resource Planning within the Office of Policy and Management (OPM). The budget bill, sHB 5007, as favorably reported by the Appropriations Committee includes \$200,000 for such purposes in FY 07. It is anticipated that the Department of Consumer Protection can adopt regulations for automatic lawn sprinkler systems within the agency's normal budgetary resources.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 5686*****AN ACT CONCERNING WATER RESOURCE PLANNING.*****SUMMARY:**

This bill establishes a Bureau of Water Resource Planning in the Office of Policy and Management (OPM) and specifies its functions. It requires the bureau to report to the Energy and Technology, Environment, and Public Health committees by April 1 annually on its progress in accomplishing these functions.

The bill allows the Water Planning Council to establish an advisory council.

The bill expands the scope of the law requiring lawn sprinkler systems to have an automatic shut off switch when there has been enough rain to eliminate the need to use the system's irrigation cycle. Under current law, such switches are required at a state agency or business that installs an automatic lawn sprinkler system on or after October 1, 2003. The bill instead requires all automatic lawn sprinkler systems installed on or after October 1, 2006 to have such a switch. It bars the sale or installation of any new automatic lawn sprinkler systems that are not equipped with such switches starting October 1, 2006. It requires the Department of Consumer Protection (DCP), in consultation with various agencies, to adopt implementing regulations. The agencies are OPM, the Department of Public Utility Control (DPUC), the state building inspector, and the departments of Public Health (DPH) and Environmental Protection (DEP). It repeals the ability of municipalities to adopt ordinances requiring installation of such switches in all sprinkler systems. It also repeals the ability of DCP, in consultation with these agencies, to establish efficiency standards for water-using devices other than sprinkler systems and



plumbing fixtures.

EFFECTIVE DATE: October 1, 2006

## **BUREAU OF WATER RESOURCE PLANNING FUNCTIONS**

The bill requires the bureau to:

1. review and prioritize the recommendations and goals the Water Planning Council developed before October 1, 2006;
2. compile information from other reports or studies on water resources planning in the state;
3. establish a mechanism to perform an in-depth analysis of existing DEP, DPH, and DPUC statutes and regulations in areas of overlapping and conflicting or inefficient procedures;
4. review and summarize other states' regulatory programs and structures, relating to water resource planning, including, but not limited to, their approaches to water allocation;
5. identify processes and funding needs for the evaluation of existing water diversion data and approaches to basin planning projects and coordinate water data collection from, and analysis among, the DEP, DPH, DPUC, OPM and the U.S. Geological Survey, and recommend supplemental data collection, as appropriate;
6. evaluate existing water conservation programs and make recommendations to enhance them to promote a water conservation ethic and to provide for appropriate drought response and enforcement capabilities; and
7. identify funding requirements and mechanisms for ongoing efforts in water resources planning in the state.

## **WATER PLANNING COUNCIL**

By law, the Water Planning Council is required to address issues

involving water companies, water resources, and state drinking water policies. Currently, the council consists of the Public Utility Control Authority chairperson (i.e., the head of the DPUC), the DEP and DPH commissioners, and the OPM secretary, or their designees. The bill requires the council to elect its chairperson by July 1 annually, starting in 2006, although this provision is effective October 1, 2006.

The bill also allows the council to establish an advisory group to serve at its pleasure. The group must be balanced between water consumers and other interests. The group can include representatives of:

1. regional and municipal water utilities;
2. investor-owned water utilities;
3. a wastewater system;
4. agricultural interests;
5. electric power generation interests;
6. business and industry interests;
7. environmental land protection interests;
8. environmental river protection interests;
9. boating interests;
10. fisheries interests;
11. recreational interests;
12. endangered species protection interests; and
13. academics with expertise in stream flow, public health and ecology.

## **COMMITTEE ACTION**

## Energy and Technology Committee

Joint Favorable Substitute Change of Reference

Yea 18 Nay 0 (03/14/2006)

## Appropriations Committee

Joint Favorable

Yea 45 Nay 5 (03/31/2006)